



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,430	12/27/2005	Nestor Rekalde Arrieta	GKNG 1267 PCT	3873
27256	7590	07/16/2008		
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 07/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/562,430  
Filing Date: December 27, 2005  
Appellant(s): ARRIETA ET AL.

---

Thomas M. Donohue  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 16, 2008 appealing from the Office action mailed February 11, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because in it the claim 17 limitation, "threading" is

Art Unit: 3679

identified as being indicated in the drawings by reference numeral 26 and described in the specification at paragraph 0013. However, the threading is indicated in the drawings by reference numeral 21 and is described in the specification at paragraph 0012.

#### **(6) Grounds of Rejection to be Reviewed on Appeal**

##### **WITHDRAWN REJECTIONS**

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Claims 17-25 & 29-31 rejected under U.S.C. 102(b) as being anticipated by Booker et al, US 5,833,243.

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### **(8) Evidence Relied Upon**

6,135,571	MIZUKOSHI et al	10-2000
2,713,504	COLEMAN	7-1955

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 17-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizukoshi, US 6,135,571 in view of Coleman.

Claim 17: In Figures 8-13 & 35, Mizukoshi shows a constant velocity universal joint assembly comprising: a constant velocity universal joint with an outer joint part 11 in the form of a joint bell 11 with an attached connecting journal 29 and a radial supporting face at the joint bell at the base of the connecting journal; a wheel hub 6a with bearings which is slid on to the

Art Unit: 3679

connecting journal and which, via threading (as at 141, 142 in Fig. 35), is clamped to the outer joint part, wherein the wheel hub is directly or indirectly supported on the supporting face; and an annular ring 69, which is positioned directly on the supporting face so as to be concentric relative to the connecting journal and which accommodates the clamping forces of the threading. Mizukoshi discloses in col. 3, line 61 that the annular ring is provided to prevent play between the joint bell and the wheel hub and in col. 29, line 10 that the annular disc 69 is made from steel, but not from bronze or plastic. In col. 5, lines 3-28, Coleman teaches that an annular disc made from bronze or plastic is an art recognized equivalent of an annular disc made from steel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Mizukoshi by making the annular disc from bronze or plastic instead of steel since all such annular discs are art recognized equivalents as taught by Coleman.

Claim 18: In Fig. 10, Mizukoshi shows the assembly comprising bearings 3, 8, 50 positioned on the wheel hub 6a and whose inner bearing races 8, 50 are axially supported on the wheel hub and on the annular disc 68, 69a

Claim 19: In Fig. 8, Mizukoshi shows the assembly comprising bearings 3, 8, 50 positioned on the wheel hub 6a and whose inner bearing races 8, 50 are axially clamped to the wheel hub by an annular beading 27 at the wheel hub, wherein the annular beading is directly axially supported at the annular disc 49, 69.

Claims 20-22: In Figs. 8 & 10, Mizukoshi shows the annular disc comprises a cylindrical portion 45 which starts from an outer edge of the annular disc and is positioned on the joint bell in a force-locking way.

Claims 23-25: In col. 5, lines 23-24, Coleman discloses the annular disc comprises an anti-friction coating (see “Provision may be made to lubricate”).

Claims 26-31: In col. 5, lines 3-28, Coleman teaches that the annular disc can be made from bronze or plastic.

### **(10) Response to Argument**

#### **Claim 17**

Applicant argues that Mizukoshi fails to disclose clamping forces because Fig. 35 shows an annular gap between the outer joint part 11 and the hub 6a such that the outer joint part can move towards the hub. However, the threaded connection at 141, 142 clearly secures (i.e. clamps) the outer joint to the hub. Even if there could be relative axially movement or play between the hub and joint part, they are still held together and precluded from coming apart by the clamping action provided by threaded connection.

Applicant argues that Mizukoshi fails to show threading in Figs. 8-13. Mizukoshi shows an alternate method of clamping in those figures, but the method shown there is not relied upon in the rejection to show the claims are unpatentable. Examiner notes that the remaining features in Figs. 8-13 (e. g. the annular disc 69) are not mutually exclusive with regard to the threaded clamping 141, 142 shown in Fig. 35.

Applicant argues that Coleman is non-analogous art. However, Coleman pertains to a torque transmitting assembly (see “a shaft and the casing in which it is mounted” in col. 1, lines 16 & 17) and so is in fact analogous art.

#### **Claim 18**

Applicant argues Mizukoshi fails to show the limitations of claim 18. However in Fig. 10, Mizukoshi shows the assembly comprising bearings 3, 8, 50 positioned on the wheel hub 6a and whose inner bearing races 8, 50 are axially supported on the wheel hub and on the annular disc 68, 69a.

**Claim 19**

Applicant argues Mizukoshi fails to show the limitations of claim 19. However in Fig. 8, Mizukoshi shows the assembly comprising bearings 3, 8, 50 positioned on the wheel hub 6a and whose inner bearing races 8, 50 are axially clamped to the wheel hub by an annular beading 27 at the wheel hub, wherein the annular beading is directly axially supported at the annular disc 49, 69.

**Claims 20-22**

Applicant argues Mizukoshi fails to show the limitations of claims 20-22. However in Figs. 8 & 10, Mizukoshi shows the annular disc comprises a cylindrical portion 45 which starts from an outer edge of the annular disc and is positioned on the joint bell in a force-locking way.

**Claims 23-25**

Applicant argues the combination of Mizukoshi and Coleman fails to include the limitations of claims 23-25. However, in col. 5, lines 23-24, Coleman discloses the annular disc comprises an anti-friction coating (see “Provision may be made to lubricate”).

**Claims 26-31**

Applicant argues the combination of Mizukoshi and Coleman fails to include the limitations of claims 26-31. However, in col. 5, lines 3-28, Coleman teaches that the annular disc can be made from bronze or plastic.

Art Unit: 3679

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Greg Binda/  
Primary Examiner, Art Unit 3679

Conferees:

Daniel P. Stodola /dps/

Meredith Petravick /mcp/